

Posted: March 28, 2011  
4:00 PM  
Jason Smith  
REVISED: March 31, 2011  
9:00 AM

**BEFORE THE PUBLIC SERVICE COMMISSION**

**AGENDA**

***THIS MEETING WILL NOT BE CONDUCTED BY VIDEOCONFERENCE.***

**APRIL 4, 2011**

**I.** Call Meeting to Order - **1:00 PM**, Dover

**II. CONSENT AGENDA:**

1. IN THE MATTER OF THE APPLICATION OF EVRAZ CLAYMONT STEEL, INC. FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (FILED NOVEMBER 17, 2010) - PSC DOCKET NO. 10-399
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Commission to consider Staff Memorandum and proposed Order No. 7942 certifying Evraz Claymont Steel, Inc. as an Electric Supplier within the State of Delaware.

2. IN THE MATTER OF THE APPLICATION OF SUSTAINABLE STAR, LLC FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (FILED MARCH 7, 2011) - PSC DOCKET NO. 11-145
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Commission to consider Staff Memorandum and proposed Order No. 7939 certifying Sustainable Star, LLC as an Electric Supplier within the State of Delaware.

3. IN THE MATTER OF THE APPLICATION OF T.E.S. ENERGY SERVICES, LP FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (FILED MARCH 7, 2011) - PSC DOCKET NO. 11-146
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Commission to consider Staff Memorandum and proposed Order No. 7937 certifying T.E.S. Energy Services, LP as an Electric Supplier within the State of Delaware.

4. IN THE MATTER OF THE JOINT APPLICATION OF ZAYO GROUP, LLC AND ZAYO BANDWIDTH, LLC FOR APPROVAL OF A PRO FORMA INTRA-CORPORATE TRANSACTION (FILED MARCH 16, 2011) - PSC DOCKET NO. 11-163
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Commission to consider Staff Memorandum approving a Pro Forma Intra-Corporate Transaction between Zayo Group, LLC and Zayo Bandwidth, LLC.

5. IN THE MATTER OF THE JOINT APPLICATION OF NEW EDGE, INC., BUSINESS TELECOM, INC., CTC COMMUNICATIONS CORP., CONVERSENT COMMUNICATIONS RESALE L.L.C., AND CHOICE ONE COMMUNICATIONS RESALE L.L.C. FOR APPROVAL TO PARTICIPATE IN VARIOUS FINANCING TRANSACTIONS (FILED MARCH 22, 2010) - PSC DOCKET NO. 11-168
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Commission to consider Staff Memorandum approving New Edge, Inc., Business Telecom, Inc., CTC Communications Corp., Conversent Communications Resale L.L.C., and Choice One Communications Resale L.L.C. to participate in various financing transactions.

6. IN THE MATTER OF THE APPLICATION OF LEGACY ENERGY GROUP, LLC FOR A CERTIFICATE TO PROVIDE ELECTRIC SUPPLY SERVICES WITHIN THE STATE OF DELAWARE (FILED MARCH 23, 2011) - PSC DOCKET NO. 11-182
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Commission to consider Staff Memorandum and proposed Order No. 7940 certifying Legacy Energy Group, LLC as an Electric Supplier within the State of Delaware.

**III. REGULAR AGENDA ITEMS:**

1. IN THE MATTER OF THE APPLICATION OF CHESAPEAKE UTILITIES CORPORATION FOR APPROVAL TO GUARANTEE DEBT (FILED MARCH 10, 2011) - PSC DOCKET NO. 11-151
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Commission to consider Staff Memorandum and proposed Order No. 7941 regarding the application of Chesapeake Utilities Corporation to guarantee the payment of \$19,273,000 of Florida Public Utilities (subsidiary) outstanding debt.

- \*\*2.** IN THE MATTER OF THE INVESTIGATION INTO THE UNAUTHORIZED ABANDONMENT OR DISCONTINUANCE OF WASTEWATER UTILITY SERVICE BY UTILITY SYSTEMS, INC., TO THE WOODS ON HERRING CREEK COMMUNITY AND THE ABILITY OF UTILITY SYSTEMS, INC., TO OPERATE WASTEWATER SYSTEMS (FILED FEBRUARY 16, 2005) - PSC DOCKET NO. 05-58
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Commission to consider releasing its judgment against Utility Systems, Inc. ("USI") as part of a settlement reached in the Commission's Chancery Court suit (C.A. No. 2036 VCN) against USI related to the illegal sale by USI to Carbaugh Property Management LLC ("CPM") of three lots in Woods on Herring Creek in Sussex County. The settlement, among other things, calls for CPM to transfer title to two

of the lots to the State of Delaware, with the proceeds from the sale of one of the transferred lots to be split equally between the State and CPM. This agenda item was added late to the agenda because the Release of Judgment document was received after initial publication of the agenda but is due in Chancery Court prior to the next Commission meeting.

**IV. HEARING SCHEDULE:**

**V. DIRECTOR'S COMMENTS:**

- (a) Requesting approval of Staff Memorandum to retain a consultant for the RPS Taskforce.
- (b) Staff to brief the Commission on the March 9, 2011 decision by the FCC granting Mediacom Delaware's petition for a determination that it is subject to effective competition in Sussex County and therefore exempt from cable rate regulation. The PSC opposed Mediacom's petition. The Commission may go into executive session to receive legal advice regarding strategy.

**VI. ADMINISTRATIVE MATTERS:**

**N O T I C E**

Pursuant to 29 Del. C. §10004(e) (2), this Agenda may be changed to include additional items including executive sessions or to delete items that arise at the time of the Commission meeting. During the Meeting, an executive session closed to the public may be called for certain purposes, including, but not limited to, strategy sessions to discuss pending or potential litigation, discussions of confidential documents, and certain personnel matters. Items marked with an "\*\*\*" were added following the initial posting of the Agenda. An explanation for their addition to the Agenda is included following the description of the particular item.

Interested persons should contact the Commission at 1-800-282-8574 (within Delaware) for information or questions about the Agenda. The Agenda may also be viewed, after posting, at the Commission's Internet website found at [depdc.delaware.gov](http://depdc.delaware.gov).